

### **REMARKS**

This amendment is responsive to the non-final Office Action dated April 10, 2009. After its entry, claims 11-21 are currently pending in this application and subject to examination. Claim 11 is amended. Support for this amendment is found at page 3, lines 21-23, of the present specification. New claim 21 is added. Support for new claim 21 is found at page 4, lines 5-9 and 17-19, and in the Examples at page 28, line 19, to page 29, line 32, of the present specification and in the claims as originally filed. No new matter is added.

Reconsideration of the application as amended is respectfully requested in view of the following remarks.

### **Rejection Under 35 U.S.C. § 103(a)**

Claims 11-20 stand rejected under 35 U.S.C. § 103(a) as obvious over either of U.S. Patent No. 6,359,020 to Mohrschladt (Mohrschladt) or U.S. Patent No. 6,815,527 to Bassler et al. (Bassler ) in view of U.S. Patent App. Pub. No. 2003/02066835 to Donck (Donck). Applicants respectfully traverse in view of the claims, as amended.

Claim 11, as amended, recites:

“[A] continuous process for producing polyamides, their oligomers or mixtures thereof, and optionally with further reaction products, which comprises reacting aminonitriles or dinitriles and diamines or mixtures thereof, and optionally together with further polyamide-forming monomers and/or oligomers, with an aqueous medium composed of aqueous monomer and oligomer extracts obtained from polyamide production by extraction of the polymer with water, in a reactor which has a vertical longitudinal axis and through which there is a flow substantially in the longitudinal direction, wherein-said aqueous medium (1) has a solids content in the range of from 2 %

to 30 % by weight and (2) is introduced into the reactor at a first location and one or more additional locations along the vertical longitudinal axis, wherein said one or more additional locations are located at least 1 meter higher on said reactor than said first location, and wherein from 35 % to 95 % by weight of the total amount of said aqueous medium is introduced into said reactor at said first location or at one of said one or more additional locations, ***and wherein the aqueous medium introduced at said one or more-additional locations has not been heated up.***

(emphasis added) To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Claim 11, as amended, requires that the aqueous medium introduced at said one or more-additional locations not be heated up. The combined disclosures of Mohrschladt and Donck or Bassler and Donck neither teach nor suggest this feature. Moreover, this additional feature is not simply a “mere duplication of parts,” as alleged by the Examiner, since the temperature of the aqueous medium introduced at these additional locations is lower than that of the aqueous medium introduced at the first location and, thus, are not “duplicate” parts. As such, the combined disclosures of Mohrschladt and Donck or Bassler and Donck cannot render claim 11 *prima facie* obvious. Furthermore, since claims 12-20 all depend directly or indirectly from claim 11, these dependent claims likewise are not rendered *prima facie* obvious by the combined disclosures of Mohrschladt and Donck or Bassler and Donck.

The Examiner also refers to a number of the numerous benefits of adding aqueous medium at plural locations over the course of the reaction, as disclosed at page 3, line 18 to page 4, line 5 of the present specification, such as increased carboxy end group content, but asserts that Applicants present no data related to any of these benefits. Applicants respectfully disagree and direct the Examiner’s attention to the Examples on pages 28 and 29 of the present specification.

Applicants also respectfully object to the Examiner's ground for combining the disclosures of either Mohrschladt or Bassler with that of Donck as based on an impermissible degree of hindsight. The Examiner admits that Donck is not directed to the same technology as the present application (*i.e.*, "Donck does not teach polycondensation process"), but asserts that Donck solves the same problem as the present application ("Thus, since Donck's reactor design solves the same problem as one of the Application, rejection under 35 USC 103(a) is applicable, even though prior art and application represent different fields endeavor). It is on this basis alone that the Examiner combines the respective disclosures of Mohrschladt and Bassler with that of Donck. In other words, the Examiner relies solely on Applicant's own disclosure (*i.e.*, hindsight) to provide the skilled artisan with motivation to combine Mohrschladt or Bassler with Donck. Applicants respectfully submit that the combination of these references on this basis is improper. Applicants further submit that the skilled artisan would have no motivation to combine the respective disclosures of Mohrschladt and Bassler with that of Donck.

For these reasons, Applicants submit that claims 11-20 are non-obvious and respectfully request withdrawal of this rejection

### **New Claim 21**

Applicants submit that new claim 21 is non-obvious over the combined disclosures of Mohrschladt and Donck or Bassler and Donck for the same reasons provided *supra* regarding claims 11-20. In particular, Applicants respectfully point out that the combined disclosures of Mohrschladt and Donck or Bassler and Donck neither teach nor suggest the feature "wherein the temperature of the aqueous medium introduced at said one or more-additional locations is lower than that of the aqueous medium introduced at said first location" required by new claim 21. As such, the combined disclosures of Mohrschladt and Donck or Bassler and Donck cannot render new claim 21 *prima facie* obvious.

In view of the foregoing amendment and remarks, Applicants submit that the pending application is in condition for allowance.

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Applicants believe no fee is due with this amendment. However, if a fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 13156-00069-US, from which the undersigned is authorized to draw.

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Respectfully submitted,

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